

1 REMARKS

2 Applicant has carefully considered the positions of the Examiner, responds to same herein  
3 and respectfully requests reconsideration based on the manifest and manifold differences between  
4 the present invention as claimed and the cited references. In the Office Action dated November  
5 26, 2002, the Examiner finally rejected claims 1, 3, 5, 7-9, 12, 13, 15-18 and 20-27 under 35  
6 U.S.C. § 103(a) as being unpatentable over Simmons U.S. Patent No. 1,675,060 ("Simmons") in  
7 view of Drake U.S. Patent No. 6,044,758 ("Drake") and/or Patterson 5,598,786 U.S. Patent  
8 No. ("Patterson"). Applicant respectfully disagrees. Applicant firmly believes the above clarifying  
9 amendments and the following comments will convince the Examiner that the rejection of the  
10 pending claims should be reconsidered and withdrawn.

11 Initially, the applicant has amended independent claims 1 and 23 to further clarify and define  
12 his invention for a foldable and portable workstation for supporting a portable computer, where the  
13 workstation has a work surface, back panel and legs configured such that the work surface may be  
14 positioned such that the legs support the work surface at one of a plurality of angles or such that said  
15 legs, work surface and back panel are substantially parallel. In stark contrast, Simmons is little more  
16 than a copyholder for typists, and none of the cited references teach a portable workstation  
17 configurable like the claimed invention. Indeed, none of Simmons, Drake or Patterson disclose a  
18 portable workstation having a work surface, back panel, and legs all configured such that the work  
19 surface and legs are each independently foldably coupled to the back panel such that the top surface  
20 may be positioned at any of a number of angles with respect to the legs and back panel, and  
21 alternatively be folded into a compact position such that all of the work surface, back panel and legs

1 are substantially parallel and adjacent with one another.

2 In rejecting the pending claims, the Examiner states that:

3 "Simmons teaches structure substantially as claimed including surface (1), first and  
4 second leg assemblies (4), back (3), raised portion (8), base (6), the only difference  
5 being the materials used in the construction thereof and the use of hinges. However  
6 the patent to Drake teaches the use of wood in the formation of the structures of a  
7 supporting surface and the use of hinges."

8 From this, the Examiner concluded that "[i]t would have been obvious" to "one having ordinary skill  
9 in the art to modify the structure of Simmons to include alternative conventional materials, and  
10 alternative folding means, as taught by Drake" to arrive at the Applicant's claimed invention. Applicant  
11 respectfully disagrees. Indeed, the combination of Simmons and Drake does not teach each and every  
12 element of the claimed invention -- neither Simmons nor Drake teach a workstation having leg  
13 assemblies and a top work surface all independently foldably coupled to a back support panel.

14 In addition, the Examiner also finally rejected claim 9 under 35 U.S.C. § 103(a) as being  
15 unpatentable over Simmons as applied to the claims above, and in further view of Patterson. Briefly,  
16 Patterson discloses a portable laptop desk comprising vertical height adjustment means. As previously  
17 indicated, Patterson also fails to teach a workstation having leg assemblies and a top work surface all  
18 independently foldably coupled to a back support panel. As a result, the asserted combination still  
19 does not teach the or suggest each and every element of the claimed invention.

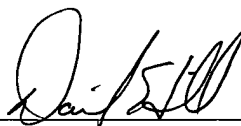
20 Therefore, as is evidenced by the above amendments and remarks, the present invention, for  
21 the first time, discloses a portable and foldable workstation comprising a work surface that utilizes legs  
22 or leg assemblies that are all independently foldably coupled to a back support panel specifically  
23 configured such that the work surface may be positioned at any of a number of angles with respect to

1 the legs and back panel, and alternatively be folded into a compact position such that all of the work  
2 surface, back panel and legs are substantially parallel and adjacent with one another. An apparatus  
3 such as this is neither taught nor suggested anywhere in the prior art, including Simmons, Drake and  
4 Patterson.

5  
6 **CONCLUSION**

7 In view of the foregoing, applicant respectfully submits that the invention represents a  
8 patentable contribution to the art and the application is now in condition for allowance. Early and  
9 favorable action is accordingly solicited.

Respectfully submitted,



David M. Hill  
Reg. No. 46,170  
WARD & OLIVO  
708 Third Avenue  
New York, NY 10017  
(212) 697-6262

Date: February 26, 2003

**RECEIVED**

**JUL 02 2003**

**OFFICE OF PETITIONS**